

MANAGING THE PERFORMANCE OF EDUCATION AGENTS PROCEDURE

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1.0 Purpose

This procedure relates to the managing and monitoring of the performance of education agents engaged by Engineering Institute of Technology (EIT).

2.0 Scope

This procedure applies to all CRICOS student operations of EIT.

3.0 Compliance Requirements

[*National Code of Practice for Providers of Education and Training to Overseas Students 2018*](#) (National Code).

4.0 Policy

The procedure for EIT in ensuring that all its Education Agents operate ethically, honestly, in the best interest of EIT and CRICOS students, and in accordance with the requirements of the National Code of Practice is fivefold and based on:

- Selection of agents;
- Agent's contracts (Agreements);
- Student surveys;
- Communication with agents; and
- Performance review.

4.1 Selection of Agents

Whenever an agent approaches EIT to provide recruitment services, or EIT expresses interest in an agent providing recruitment services, each agent will be asked for an online interview. If it is a

successful interview, they will be asked to complete and sign an 'Education Agent Application Form'. This form will request information that includes, but is not limited to, the following:

- Business details including:
 - Business name;
 - Name of contact person; and
 - Postal, email, website, and telephone contacts.
- Primary countries of operation;
- Membership of professional associations;
- Names of three referees (preferably Australian based education providers who recruit for higher education); and
- Questions determining if the agent understands and will comply with the *Education Services for Overseas Student Act (ESOS Act) 2000* requirements.

On receiving the completed Education Agent Application Form, in addition to the relevant certificates (memberships and training evidence), EIT will establish an agent's file. EIT will conduct referee checks with at least one higher education provider, and preferably only Australian registered providers. At least two referees should provide feedback before EIT proceeds to the next stage of recruitment. If any outcomes of the referee checks are unfavorable, then EIT will take no further action and will advise the agent that they will not be engaged by EIT to provide recruitment services. If all outcomes of the initial referee checks are favorable, the agent will be offered a contract.

4.2 Agent Contracts

All Agents engaged by EIT to provide recruitment services will be asked to enter into a signed agreement (contract) with EIT. This contract will specify the requirements and undertakings of both parties consistent with the requirements of the *National Code of Practice for Providers of Education and Training to Overseas Students 2018* and *Education Services for Overseas Student Act 2000 (ESOS Act)*.

The contract will be signed by both parties and a copy maintained in the agent's file. In addition to the signed agency agreement, EIT will provide a Certificate of Representation.

EIT will also enter and maintain the education agent's head office details in PRISMS.

Agent agreements will be reviewed on a yearly basis, unless a longer period (up to a maximum of three years) has been determined.

4.3 Communication with Agents

Ongoing and open communication with agents is regarded by EIT as a critical part of the successful operation of EIT. Agent Webinars are conducted every month for the EIT agent network to ensure agents stay up to date with relevant information. In addition, personal training webinars are conducted for individual agencies upon recruitment and ongoing, as required.

The Student Recruitment Manager is responsible for such communication and will take every opportunity, both in Australia and overseas, to ensure that there is regular and ongoing communication with agents.

4.4 Performance Review

Once each year, or as per the date determined for the agent's contract renewal, the Student Recruitment Manager, with feedback from the EIT Admissions department, will prepare an agent performance review report. The report is based on an analysis of the agent's performance and student survey results and will include, but not be limited to:

- The number of student applications received and their quality and completeness;
- The conversion rate of student Applications to Confirmation of Enrolments (CoE);
- Number of visa grants and refusals (The conversion rate of CoEs to enrolments);
- Overall performance referring to PRISMS data;
- Any actions taken by EIT in relation to the agent;
- Overall student satisfaction and feedback on Agent processes and services;
- Responsiveness of agents to communications with EIT Admissions and recruitment staff; and
- Areas of improvement required of the agent.

Based on this report, the Accreditation and Compliance Manager, on the advice of the Student Recruitment Manager, will extend or terminate the agent's contract with EIT. As part of extending the contract, the Student Recruitment Manager will ensure that all agent details held on file are accurate and up to date.

If it has been decided from the report that the agent agreement will not be renewed, then EIT will take the following action:

- a. the agent is notified in writing of the decision;
- b. the agent's access to the EIT Agent Portal (TRUSS) will be deactivated with a note of the non-renewal recorded on the head office record if sub office accounts are also present;
- c. the respective agent folder will be updated and archived (placed in the non-renewal folder);
- d. the main agent record will be updated with the non-renewal date;
- e. the Agent list on EIT's website will be updated (all agent details are removed); and
- f. Update PRISMS to remove the agent's details.

If it has been decided from the report that the agent agreement will be renewed, then EIT will take the following action:

- a. ask the agent for any updated contact information to add into their respective folder;
- b. ask the agent to re-sign a new agent agreement;
- c. the main agent record will be updated with the contract renewal date;
- d. update EIT Agent Portal (TRUSS) with details of the renewal of agreement; and

- e. Update PRISMS (if required).

4.5 Performance monitoring

EIT will actively monitor all registered agents' performance.

If EIT becomes aware that, or has reason to believe, an education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under standards 4.2 and 4.3 of the National Code, and/or in line with their contract, then EIT will take immediate corrective action as outlined in the agent contract.

If EIT becomes aware, or has reason to believe, that an education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, EIT will immediately terminate its relationship with the education agent or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices, as outlined in the agent contract.

EIT will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- providing migration advice, unless that education agent is authorised to do so under the *Migration Act 1958*;
- engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under Standard 7 (Overseas student transfers) of the National Code;
- facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa;
- using PRISMS to create CoEs for other than bona fide students. EIT will monitor Agent's performance through the following processes, taking into account any feedback EIT Admission department:
 - a. the number of student applications and their quality and completeness;
 - b. the conversion rate of student applications to CoEs;
 - c. the conversion rate of CoEs to enrolments;
 - d. analysis from PRISMS data for Agent performance; and
 - e. identifying areas where Agents may require training.

Where a need for additional training is identified, the Student Recruitment Manager will contact the Agent to address specific concerns.

The responsible Student Recruitment Manager will review each Agent's performance approximately one month before the renewal date of the Agent's Agreement as indicated in in [Section 4.4](#).

4.5.1 Warning Letter

A warning letter may be sent to an agent for any of the following reasons:

- a substantiated complaint made by a student of EIT which relates to an EIT Agent;
- issues with quality and completeness of submitted applications (e.g., multiple applications submitted which do not meet EIT's entry criteria); or
- Any other relevant issues which are negatively affecting the Agent relationship with EIT.

4.5.2 Probation Period

A probationary period can be enforced for agents who:

- have been previously provided with a warning letter, but the identified issue(s) have not been rectified to the satisfaction of EIT, but EIT believe more time may improve the situation; and
- are under review for renewal of their agency agreement and have had previously identified performance issues which EIT believe would like to monitor.

4.5.3 Termination

Termination of an Agent's agreement will be effective immediately or any agent who:

- engages in any dishonest practices, including, but not limited to, suggesting to prospective students that they can come to Australia on a student visa with a primary purpose other than full-time study;
- facilitates applications for students who do not comply with visa requirements or who the agent reasonably believes will not comply with student visa requirements and conditions;
- make any representations or offer any guarantees to students about whether they will be granted a student visa;
- engage in false or misleading advertising or recruitment practices;
- make any false or misleading comparisons with any other education provider or their courses;
- give inaccurate information to a prospective student about acceptance into a course for which they applied or into any other course;
- receive or bank any fees charges payable to EIT by a prospective student or deduct any amount from such fees and charges;
- charge any fee to a prospective student for their application or acceptance of offer;
- provide students with 'immigration advice' as defined in the *Migration Act 1958 (Cwth)*, unless the Agent is separately registered with the relevant authority to do so under that Act; or

- sign any documents on behalf of the prospective student, particularly the application or acceptance documents. The process must be completed by the student; however, assistance may be provided.

5.0 Definitions

Please refer to the EIT Glossary that can be found [here](#) for all definitions used in this document.

6.0 Related Documents

- Annual Report on the Performance of Education Agents
- Education Agent Referee Check form
- Education Agent Agreement
- Education Agent Application Form
- EIT Education Agent Code of Conduct
- Managing the Performance of Education Agents Policy.HE
- Marketing and Promotion Policy and Procedure.DS
- Privacy Policy.DS
- Records Management Policy and Procedure.DS
- Recruitment of Education Agents Policy.HE
- Recruitment of Education Agents Procedure.HE

7.0 Related Legislation

The following legislation is relevant to this policy, however not all are mandatory for education providers:

- [Copyright Act 1968 \(Cwth.\)](#)
- [Education Services for Overseas Students Act 2000 \(Cwth.\)](#)
- [Higher Education Standards Framework \(Threshold Standards\) 2021 \(Cwth.\)](#)
- [Migration Act 1958](#)
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018.](#)
- [Privacy Act 1988 \(Cwth.\)](#)
- [Tertiary Education Quality and Standards Agency Act 2011 \(Cwth.\)](#)

8.0 Accountabilities

The Academic Board is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and EIT's community via the website and other publications.